Mewv

692 In legal disputes the t'ou-mu chooses a body of judges consisting of himself, the councils of the ts'aowa groups, the kuan-shih of the t'ou-mu or other older men who are known to be good speakers and fair in their judgment. The number of judges varies according to
695 the importance of the case. The choice of venue depends on the circumstances; usually the trial is held in a temple or a village of the sedentary Fantzu. Witnesses are examined, much as in a Chinese court. The parties must take the oath of telling the truth in front of a Buddha image. If the truth cannot be ascertained from witnesses, various methods of divine judgment are used. In less serious cases a box is produced in which there is a white stone and a black stone. The person who draws the white stone wins. In more serious cases one of two forms of divine judgment is used: the two parties must either touch a red-hot ax with their hands or they must dip their hands into boiling rape oil. The one whose hand is not burned is innocent. The boiling-oil test is most often used.

681 If an accused will not confess, /85/ he is tortured. There are nine different methods of torture: 1. a person is whipped on the back with a leather whip; 2. a person's hands are tied behind his back with a leather strap, whereupon he is suspended from a post by his hands; 3. both wrists are bound with a rope made of yak hair, whereupon eight men, four on either side pull the rope tight; 4. the body is stretched out at the four extremities and is suspended in the air; in this position the accused is lashed on the back with a whip; 5. back and legs are beaten with willow withes; 6. whipping with a leather whip. If after the sixth form of punishment the accused does not confess, he is acquitted and is rewarded with a horse. The third form of torture is the most dreaded. Three additional forms occur under certain circumstances: 7. the legs of the accused are tied together with a rope and he is dragged along the ground. The 8th and 9th methods of torture consist of whip lashes. The t'ou-mu orders the torture to take place after having consulted with the court. He can appoint anyone he likes to inflict the torture.

As we have said, there is no capital punishment, with the exception of blood revenge. There is also no punishment of imprisonment, but the t'ou-mu can imprison a criminal until the trial has taken place. Infractions of any kind are avenged by the payment of penalties in money, butter, sheep or yaks. If a convicted person cannot pay the penalty imposed upon him, the t'ou-mu has him taken into custody and soundly thrashed. The penalty which the condemned person cannot pay must be made

good by the ts'aowa group, as we have already mentioned, and the 681
accused must gradually pay off his debt to the group. The most severe punishment is probably expulsion from the ts'aowa group, which makes a man homeless.

Witnesses are not tortured. They are not /86/ examined in pub- 685
lic but in a separate room, so that they cannot be seen by the accused and thus be exposed to his revenge.

The t'ou-mu also has jurisdiction over members of another tribe 682
whom he can punish. The punishment is not, however, always recognized by the tribe to whom the convicted person belongs. During my stay among the Mewu-Fantzu, for example, the t'ou-mu held a lama prisoner for stealing a gun. The lama belonged to the He-tso Lamasery outside Mewu territory. He had ordered the lama whipped. For this reason no male Mewu-Fantzu ventured into the region of He-tso, since he would have been in danger of being captured.

Disputes between inhabitants of various tents in the same tent 578
community are settled by the t'ou-mu or one of his kuan-shih; like- 721
wise disputes between various tent communities. In such cases violence is seldom resorted to. Disputes between the tent Fantzu and the sedentary Fantzu of the Mewu tribe are very rare. They, too, are settled by the t'ou-mu. On the other hand, there are often quarrels between Fantzu of different tribes, sometimes leading to war.

In former times wars were frequent. But the Mewu-Fantzu fought 701
their last war about 30 years ago, that is, during imperial times. 721
On the other hand, a war was fought just a few years ago, about 100 li to the southwest. It lasted three years and ended only when the ruling feudal lord of Labrang, the "Huang-szu-ling" seized control. If a state of war arises the Huang-szu-ling calls his subordinate t'ou-mu to war. This happened, for example, during my stay when the region between T'ao-chou and Ho-chou, to which the territory of the Mewu-Fantzu and the lamaseries of Labrang and He-tso belong, was endangered by the "long march" of Mao Tse-tung's Communist Army to Shensi. The t'ou-mu recruit soldiers. Every tent must furnish at least one soldier, /87/ sometimes as many as two or three. Each man must bring his own weapons, ammunition and horses, just as in ancient times in the wars of the nomadic peoples such as the Ch'i-tan and the Mongols. Families who cannot furnish a soldier must give weapons and guns, ammunition and a horse for those who are too poor to furnish their own equipment. The t'ou-mu decides how dangerous the situation is and how many recruits are to be called out.